

EXHIBIT

**BOARD OF SELECTMEN**

**1 June 2004**

**AGENDA**

**7:30 p.m.**

**Town House**

**DATES TO NOTE:**

Friday, June 4, 2004, 12:00 noon, Auction for Surplus Property at old Maple Street Fire Station

Tuesday, June 8, 2004, 7:00 p.m.-Special Town Meeting, Kingston Intermediate School

**ANNOUNCEMENTS:**

**APPOINTMENTS:**

7:30 PM Open Forum

7:30 PM Habitat for Humanity-Grove Street Land

**TOWN ADMINISTRATOR'S REPORT**

**MINUTES**

**OLD BUSINESS:**

1. L. Knife Complaint
2. Wind Tower

**NEW BUSINESS:**

1. Consider Promotions to Police Lieutenant and Police Sergeant
2. Resignation of Robert Pinato from Conservation Commission
3. Annual Appointments of Boards, Committees and Positions
4. Request to Accept Donation of Eagle Scout Project
5. Request to Accept Donations to Fire Department
6. Site Plan Review-Copperwood Estates
7. Request Bike Tour for Multiple Sclerosis Society
8. Assignment of Motions and Selectmen's Positions for Special Town Meeting

**EXECUTIVE SESSION**

1. Pending Litigation
2. Financial Assistance
3. Consider the purchase, exchange, lease or sale of real property

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
June 1, 2004

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on June 1, 2004 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Paul M. Gallagher, Olavo B. DeMacedo, Joseph D. Kelleher, Richard E. Kenney and Town Administrator Kevin R. Donovan.

The Chairman announced the dates to note.

Mr. DeMacedo acknowledged the many volunteers that assisted with the Memorial Day Parade and expressed the appreciation of the Board. He also listed those that had provided monetary contributions.

The Chairman announced the Open Forum. Stacey Antonio came forward regarding a zoning issue involving a private road being used by L. Knife and stated that she is not asking that L. Knife move the facility but that no new permits be issued do to improper use of the private road. Mr. Beaton stated that Town Counsel was reviewing the matter and would provide an opinion. Ms. Antonio stated that she was concerned about the manner in which the question would be asked of Town Counsel and Mr. Beaton asked Ms. Antonio to write down the questions and give them to Mr. Donovan and he would forward the questions to Town Counsel.

George McSherry came forward as the Chairman of the Community Center Building Committee and requested that the Board not support the Special Town Meeting Article to change the composition of the Committee. Mr. McSherry stated that the membership of the Committee was working diligently on the Senior Center project and that the Committee that was already in place was working to meet the grant deadline. He further stated that the membership was made up of members of the Finance Committee, Board of Selectmen, Seniors and members in the construction trade.

Dee Dee Ferreira, member of the Community Center Building Committee came forward and expressed that the Architect had been chosen and that the current Committee was ready to begin working with him. She further stated that they had made visits to many Senior Centers in other communities and the composition of the current Committee was very diversified. The Board reserved its comments for the discussion under new business for the Special Town Meeting.

The Board reviewed the Town Administrator's report. Mr. Beaton noted the surplus auction scheduled for June 4, 2004 and read a list of items included in the auction.

Judy Randall from the Habitat for the Humanities introduced Nancy Morse who requested that the Board donate Town owned land located on Grove Street to the Habitat. She introduced

Eleanor Hand who discussed the process for site selection and evaluation Mr. Beaton advised that at the Annual Town Meeting, the Board of Selectmen had been given the authority to convey the property. Mr. Kenney advised that he was under the understanding that everything possible would be done to have the Habitat home scheduled to be built on another Town property designated to a Kingston resident Ms. Hand advised that in order for the property to count towards the 40B total for the Town, they could not limit the pool of applicants to Kingston residents

Mr DeMacedo stated that Town Meeting saw fit to give the Board the authority to dispose of the property and made a motion to donate the property to the Habitat for the Humanities, subject to receiving a special permit from the Zoning Board of Appeals The Board unanimously supported the motion.

Mr Beaton acknowledged that the Town Administrator had sent a memo to all Town Departments advising that he be contacted when an emergency situation is reported to a Town Department by a resident.

The Board reviewed the recommendation provided by Chief Fogg to promote from within the department to fill a vacancy of Sergeant and Lieutenant. Chief Fogg was present and discussed his recommendation. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was--

VOTED: To appoint Maurice Splaine as Police Lieutenant to commence on June 27, 2004, and further;

VOTED: To appoint Timothy Ballinger as Police Sergeant to commence on June 27, 2004.

Mr Beaton advised that Chief Fogg wanted the Board to consider lateral transfers to fill the two Patrolman vacancies. Chief Fogg stated that by hiring by lateral transfer, the Town would save the time and cost of training. He further stated that on the current re-employment list, no one had responded.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was--

VOTED: To give the Chief all the tools available to find the best candidates to fill the two vacancies by giving him the authority to consider lateral transfer candidates and request a resident list.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was--

VOTED: To accept the resignation of Robert Pinato from the Conservation Commission.

The Board announced the vacancy to be filled at the Board's next meeting.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was--

VOTED: To accept the Eagle Scout project gift of Michael Ignagni to restore the old projection booth in the Reed Community.

The Board reviewed three donations made to the Fire Department. Mr. Gallagher made a motion to accept the donations. Mr. DeMacedo requested to know the monetary value of each of the donations. Mr. Gallagher withdrew his motion and Mr. Donovan will ask Chief McKee to provide the value of the donations for the Board's next meeting.

The Board reviewed the site plan for Copperwood Estates. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was--

VOTED: To advise the Planning Board that the Board of Selectmen wanted to preserve as much open space as possible in the development of the project

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was--

VOTED: To grant permission to the Multiple Sclerosis Society to hold a bike race on June 26 & 27, 2004 on Town roads.

The Board reviewed the reappoint list for Town Boards and Committees. Mr. Beaton read the list requesting any Selectmen who wanted to discuss a position to indicate it to him. Mr. Beaton indicated that he wanted to discuss the Zoning Board of Appeals appointees. Mr. Beaton advised that he had researched the attendance of Janet Butler and found that she had been present for 60% of the meeting and that Joseph Palombo had abstained, due to a conflict of interest on several matters. Mr. Beaton suggested that the Board advertise the two positions and hold the appointments for the next meeting to see if other residents would come forward that would be better representatives on the Board. Mr. Beaton indicated that he was concerned that with several 40B projects that the ZBA would be addressing, it was important to have a full Board available to participate in the hearings and decisions.

Mr. Gallagher stated that he supported speaking with the two individuals and made a motion to table the two appointments. Mr. DeMacedo stated that the position vacancies were announced and the public had the opportunity to come forward already and that no one had. Mr. DeMacedo stated that he preferred to have the Board vote not to appoint than to have the incumbents wait to see if someone else comes along. He further stated that if it is an attendance issue, the Board has a policy to address the attendance matter. The motion to table the appointment to the next meeting failed on a vote of 2 to 2 to 1. Mr. Beaton and Mr. Gallagher supported the motion, Mr. DeMacedo and Mr. Kelleher did not support the motion and Mr. Kenney abstained from voting.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was--

VOTED: To appoint the list as presented.

Name	Committee
Joan Paquette	Town Accountant
George D. Cravenho	Central Plymouth Water Dist.
Kenneth P. Vandal	Chief Operator/Superintendent - Wastewater Treatment Plant
Robert M. Pinato	Comm. On Disability
William J Kavol	Comm. On Disability
Gary P Langenbach	Conservation Comm.
G. Philip Hammond	Conservation Comm.
Cynthia K. Walker	Council on Aging
Linda M Felix	Council on Aging
Hazel E Foley	Council on Aging
Margaret Ann Riordan	Council on Aging
Muriel A Boyce, Director	Council on Aging
Marijoan Stevens	Council on Aging
David W Gavigan	Cultural Council
Walter W Hoeg	Educational Fund Trustees
Peter C Cobb	Fence Viewer
Pine DuBois	Fish Committee
Frank J Catani	Fish Committee
Walter W Hoeg	Harbormaster/Shellfish Constable
William J Twohig	Historical Commission
Robert H Gleason	Industrial Dev. Finance Authority
Robert J. Ward	Insurance Advisory Committee
Matthew J Darsch	Insurance Advisory Committee
Hazel E Foley, Rep.	Local Water Resources Mgmt Agency
Muriel A. Boyce, Alt.	Old Colony Elderly Services
Paul F Basler	Old Colony Elderly Services
Paul F Basler	Old Colony Planning Council
Ronald A Gleason	OCPC-Joint Transportation Comm
David E Colter	Permanent Building Committee
Richard S Eldridge	Permanent Building Committee
Norman E Bouchard	Plumbing & Gas Inspector
Thomas S Bouchard Sr	Plumbing & Gas Inspector
John C Burrey	Plumbing & Gas Inspector
Gail M Fallon	Recycling Committee
Michael Rohr	Recycling Committee
Karen A Donnelly	Recycling Committee
Harold E Tuttle	Rent Control Board
Rochelle R Smith, Rep.	Sealer of Weights & Measures
Gail M Fallon	So. Shore Community Action Council
Paul F Basler	So. Shore Recycling Cooperative
G Philip Hammond	So. Shore Recycling Cooperative
John C Veracka Jr	Survey Board
Keon C Duggan	Survey Board
Olavo B DeMacedo	Sworn Weighers-O'Donnell
William J Kavol	Sworn Weighers-Southeastern
Edgar W Loring III	Waterfront Committee
Richard A Veno	Waterfront Committee
Lionel B Warner	Waterfront Committee
Stephen R Peterson, Alt.	Wiring Inspector
Steven E Ellis, Alternate	Wiring Inspector
Michael T Romano, Alt.	Wiring Inspector
Joseph M Palombo	Wiring Inspector
Janet M Butler	Zoning Board of Appeals
John C Veracka Jr.	ZBA, Associate
	Capital Planning – BS

Matthew P Mello Peter C. Johnson  Dennis Carvalho	ZBA-Associate Member Asst Harbormaster/Deputy Shellfish Constable Asst Harbormaster/Deputy Shellfish Constable – Paid position
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The Board reviewed the Special Town Meeting Warrant and assignment of motions.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was--

VOTED: To support Article 1, change to Free Cash amount motion to be made by Mr. Gallagher, and further;

VOTED: To support Article 2, expansion of the sewer.

The Board agreed to hear the discussion at the Special Town Meeting on Article 3 before voting a position on the article.

Mr. DeMacedo stated that although the Community Center Building Committee had been charged with building the ball fields, that building a Senior Center was always on the Committee's agenda. He further stated that many members had resigned and had been replaced with Senior Citizens and that the Committee also had members with experience in construction plans, layout, and cost of materials. He suggested only changing the charge of the Committee and leaving the membership in place but offered to step down as the Selectmen's representative if another Selectman wanted to take his place.

Mr. Kenney stated that he thought Mr. DeMacedo and Mr. Opachinski would be resigning and many of the representatives from the sports organizations had resigned and the positions were filled by seniors. He stated that he was in favor of changing the Committee.

Mr. Beaton stated that he initiated the Article and that it would be possible to decrease the make-up of the Committee but not increase the make-up.

Mr. Gallagher stated that he hoped everyone that wanted to speak on the Article at Town Meeting be given the opportunity and that the Committee needs to change, particularly in the way the appointments are made.

Mr. Donovan suggested that any changes to the Article other than reducing the make up of the Committee would have to be handled in the Fall Town.

Mr. DeMacedo suggested not moving the Article and waiting until Fall to change the name and charge of the Committee but leave the membership in place. Mr. DeMacedo stated that in the meantime, the Committee could continue to work with the Architect on the plans and site selection.

Mr. Kenney stated that the Town Administrator was on top of things and that the work was being accomplished.

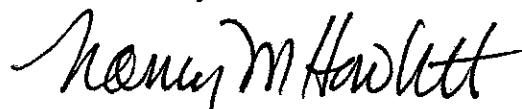
Mr. DeMacedo made a motion for unfavorable action on Article 4. The motion was not seconded.

Mr. Beaton made a motion for favorable action on Article 4. The motion was not seconded.

The Board reviewed Article 5 and reserved discussion until the presentation at the meeting. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was—

VOTED: To enter into executive session<sup>1</sup> to discuss Pending Litigation, Financial Assistance and to Consider the purchase, exchange, lease or sale of real property and not to reconvene.

Respectfully submitted:



Nancy M. Howlett, Assistant to the  
Town Administrator/Board of Selectmen

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<sup>1</sup> The public session adjourned at 9:10 p.m. and the executive session adjourned at 9:45 p.m.